

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GLOBAL SALES GROUP, CORP.

Plaintiff

v.

SENCI POWER USA, INC. D/B/A A-POWER,
CORP.

Defendants

CIVIL ACTION NO. 23-cv-01213(SCC)

BREACH OF CONTRACT; VIOLATION
OF THE PUERTO RICO DEALER'S
ACT, Act No. 75 of June 24, 1964, as
amended, 10 P.R. Laws Ann. § 278 et
seq.; DEMAND FOR TRIAL BY JURY

**REQUEST FOR MODIFICATION OF THE ORDER AT ECF No. 100 ON THE DISCOVERY PLAN
AND PRE TRIAL ORDER**

TO THE HONORABLE COURT:

COMES NOW, defendant, Senci Power USA, Inc. d/b/a A-IPower, Corp. ("AIP") through the undersigned counsel, and respectfully request to modify the discovery plan as follows:

1. Yesterday, this Honorable Court granted the Joint Motion¹ filed by the parties to amend the schedule/benchmarks of this litigation. At the time, this amendment would allow the parties to conduct discovery in an orderly manner *after* the controversies presented in AIP's Motion to Compel ("MTC", ECF No. 50) were decided. There, the parties proposed an amended discovery plan and deadlines. Per the order, the discovery deadlines were set as follows:

- a. Deposition of fact witnesses must be completed by November 21, 2024.
- b. Plaintiff's expert report due December 23, 2024.
- c. Defendant's expert report due January 23, 2025.
- d. Experts' depositions to be conducted by February 28, 2025.

¹ The Joint Motion was filed on July 15, 2024. ECF No. 52.

- e. Discovery due by 2/28/2025.
- f. Dispositive Motions due by 3/31/2025. Joint Proposed Pretrial Order due by 4/30/2025.
- g. Settlement Conference set for 3/5/2025

2. After several procedural events this Honorable Court scheduled a conference for October 16th, 2024. There, the parties were to discuss the arguments related to the MTC. At said conference AIP requested that this Honorable Court extend the discovery deadlines mentioned on the Joint Motion by two additional months. This, since GSG had not completed the production of documents requested in the MTC and there was little to no time for AIP to schedule and prepare for the depositions of plaintiff's representatives.

3. As the record shows, AIP was forced to file the MTC because GSG failed to produce thousands of documents without cause. Moreover, at the October 16th, 2024, conference this Honorable Court ordered GSG to produce numerous documents by October 23 and 25th (ECF No. 91). Nonetheless, GSG failed to comply with the deadlines set by this Honorable Court and requested an additional 15-day extension to produce - or until today November 7th, 2024. ECF No. 92 at 2.² This delay, (as well as the delays in producing clearly relevant information by GSG) has made the deadlines originally proposed by the parties in the Joint Motion and approved by this Honorable Court obsolete.

4. This, since AIP has less than two weeks to review the entirety of GSG's production, schedule and prepare for depositions. Moreover, the few days left before the deadline to take the deposition of fact

² "However, GSG advises the Court that this information --which is printed from Home Depot's online billing platform--, is not in electronic format, and is kept only in physical form by GSG. Consequently, the process of replicating the information for production is extensive, as it involves thousands of sales made from the years 2016 to 2024." ECF No. 92 at 2. This information was requested by AIP and should have been searched and produced last year – but was never included in GSG's privilege log or produced.

witnesses could even interfere with depositions, if needed, of third-party witnesses. That is, it would not be possible to give any third party witnesses a “reasonable time to apply” as required by the Federal Rules of Civil Procedure. *See Fed. R. Civ. P. 45(d)(3)(A)(i).*

5. Finally, the undersigned attorneys have other professional engagements during the week of November 18-22 that make it difficult to coordinate depositions. Specifically, a mediation scheduled by the Hon. María de los Ángeles González in the case of In re: Portal de Caguas (Case No. 23-2516 ESL) has been scheduled for November 18th, 2024, involving several intricate bankruptcy issues that require preparation. Also, on November 20th attorney Leal has an oral surgery scheduled that cannot be postponed without affecting her health. The latter leaves less than 9 days to coordinate and take depositions.

6. Consequently, AIP requests this Honorable Court to modify the discovery plan and deadlines so that it can review the documents that GSG has yet to produce and prepare for depositions to the following:

- a. Deposition of fact witnesses to be completed by January 21, 2025.
- b. Plaintiff’s Expert report by February 24, 2025.
- c. Defendant’s Expert report by March 24, 2025.
- d. Expert’s Depositions by April 28, 2025.
- e. Discovery Due by April 28, 2025.
- f. Dispositive Motions due by May 30, 2025.
- g. Joint Pretrial Order by June 30, 2025.
- h. Settlement Conference set for May 5, 2025.

7. AIP respectfully submits that there are justifiable reasons for the extension, including but not limited to the extensive volume of discovery materials. AIP further submits that the requested extension is narrowly tailored to the needs of the litigation, it is sought in good faith, and will not unduly delay

the instant proceedings.

WHEREFORE, the Parties hereby respectfully request that this Honorable Court take notice of the above and modify the discovery plan and other deadlines as requested herein.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 7th day of November 2024.

I HEREBY CERTIFY: I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

*Counsel for Defendant,
Senci Power USA, Inc. d/b/a A-IPower Corp.*

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